

No. 5:16-CV-952-D

Defendant.

ORDER ON BILL OF COSTS

BACKGROUND

DISCUSSION

Defendant seeks costs under Rule 54(d)(1) as the prevailing party in this action. See Fed. R. Civ. P. 54(d)(1) (“Unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney’s fees—should be allowed to the prevailing party.”). Federal courts may assess only those costs listed in 28 U.S.C. § 1920. See Arlington Cent. Sch. Bd. of Educ. v. Murphy, 548 U.S. 291, 301 (2006); Crawford Fitting Co. v. J.T. Gibbons, Inc., 482 U.S. 437, 441-42 (1987), superseded on other grounds by statute, 42 U.S.C. § 1988. Local Civil Rule 54.1 “further refines the scope of recoverable costs.” Earp v. Novartis Pharmaceuticals Corp., No.

5:11-CV-680-D, 2014 WL 4105678, at *1 (E.D.N.C. Aug. 19, 2014). In this case, defendant seeks recovery of \$1,935.73 in costs from plaintiff.

Specifically, defendant seeks \$1,914.07 in fees for transcripts necessarily obtained for use in the case, pursuant to 28 U.S.C. § 1920(2), and \$21.66 in fees for costs of making copies of any materials where the copies were necessarily obtained for use in the case, pursuant to 28 U.S.C. § 1920(4). The clerk has reviewed the motion and supporting documentation, and finds that as the prevailing party, defendant is entitled to the costs of the fees associated with making copies necessarily obtained for use in the case. Accordingly, the request for fees in the amount of \$21.66 is granted.

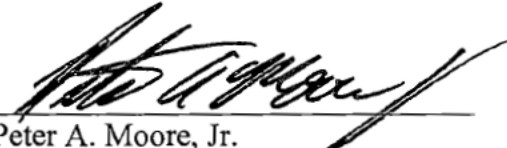
Defendant's request for fees for the transcripts necessarily obtained for use in the case, however, includes fees for exhibit copies, in the amount of \$27.75, and the expedited preparation of the transcript of plaintiff, in the amount of \$496.54. This court has construed 28 U.S.C. § 1920(2) and Local Civil Rule 54.1 as not encompassing those charges. See Dutton v. Wal-Mart Stores East, L.P., No. 4:11-CV-94-BO, 2015 WL 1643025, at *2 (E.D.N.C. March 13, 2015) ("In construing 28 U.S.C. § 1920 and Local Civil Rule 54.1, this court has also denied fees for copies of deposition exhibits, read and sign, rough drafts, litigation support packages, ASCII disks, shipping, handling and expedited processing."); Nwaebube v. Employ't Sec. Comm'n of N.C., No. 5:09-CV-395-F, 2012 WL 3643667, at *1 (E.D.N.C. Aug. 21, 2012) (disallowing costs of exhibit copies); Parrish v. Johnston Comty. Coll. No. 5:09-CV-22-H, slip. op. at 2-3 (E.D.N.C. Feb. 13, 2012) (observing that "Local Civil Rule 54.1(c)(1)(a) specifies that taxable costs incident to the taking of depositions normally include only the court reporter's fee and the fee for the original transcript of the deposition"). Accordingly, defendant's request for transcript

fees is granted in part, and defendant's fees in the amount of \$1,389.08¹ is taxed pursuant to 28 U.S.C. § 1920(2).

CONCLUSION

In summary, defendant's motion for costs [DE-43] is GRANTED in part. As the prevailing party, defendant Wells Fargo Bank, N.A. is awarded (1) \$1,389.08 in costs pursuant to § 1920(2) and (2) \$21.66 in costs pursuant to § 1920(4). Total costs in the amount of \$1,410.74 are taxed against plaintiff and shall be included in the judgment.

SO ORDERED. This the 21 day of August, 2019.


Peter A. Moore, Jr.
Clerk of Court

¹ Defendant requested \$1,914.07 in fees for transcripts. The cost of exhibit with tabs was \$24.70; the cost of color exhibits was \$3.75, and the cost of expedited processing was \$496.54.